

AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: JANUARY 16, 2007

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

NEW BILL:

Bill No. 2007-3 – Annexation No. ANX-12215 – Property location: On the north and south sides of I-215 (Clark County Highway 215), between Shaumber Road and Fort Apache Road; Petitioned by Southwest Desert Equities, LLC, et al.; Acreage: Approximately 259 acres; Zoned: R-E and P-F (County zoning), U (R), U (RNP), U (L), U (P-F) and C-V (City equivalents). Sponsored by: Councilman Steven D. Ross

Fiscal Impact

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No Impact

☐

Augmentation Required

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Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

The proposed ordinance annexes certain real property generally located on the north and south sides of I-215 (Clark County Highway 215), between Shaumber Road and Fort Apache Road. The annexation is at the request of certain property owners and the City, with a statement of non-objection having been filed by the Bureau of Land Management as an additional owner. The annexation process has now been completed in accordance with the NRS and the final date of annexation (February 16, 2007) is set by this ordinance.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

1. Bill No. 2007-3
2. Protest letters from RL Homes

Motion made by LOIS TARKANIAN to Approve as a Do Pass

Passed For: 2; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, LARRY BROWN; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

COUNCILMAN BROWN declared the Public Hearing open.

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CHIEF DEPUTY CITY ATTORNEY VAL STEED indicated that this is a long form annexation. An objection was received to the inclusion in the annexation from one property owner. His understanding is that there are other parcels that have been transferred during the process that may want to be taken out of the annexation as well. He is not aware of Planning's position on taking those parcels out. The Bill is not eligible for adoption tomorrow.

SCOTT ANDERSON, RL Homes, stated that when they bought the parcel from Focus it was not disclosed to them that it was going to be annexed into the City. They found out through a letter from the City that their property was being annexed. A tentative map was approved by the County and they submitted their final map. They have been working with staff and the City Attorney and it has been determined that the City will accept the County approval. They plan to commence tracking their models by the end of February and he asked if the City would allow them to submit their architectural and construction documents for review and approval prior to the annexation. If that is allowed, they will probably meet their goal of construction, but if they have to wait until after the annexation, they will be delayed and probably bow out of the annexation.

MARGO WHEELER, Director of Planning and Development Department, replied that generally an applicant submits a letter with plans with the understanding that it will be at their own risk and if for some reason the annexation does not go through, then the cost for plans check is a loss to the applicant. MR. ANDERSON asked if an approval can be obtained prior to the annexation, if the plans meet City approval. MS. WHEELER replied they cannot obtain actual construction approval because a building permit cannot be issued on a property that is not within the City's jurisdiction. But the plans check could proceed concurrently with the annexation process.

MR. ANDERSON asked if they can move forward with the construction if the County should approve the grading for the project. MS. WHEELER responded that usually the Public Works Department would have to review those plans. She is not certain to what extent, but they would want to ensure the plans meet the City's standards as well. She suggested MR. ANDERSON check with Public Works. She opined that if the project's plans were acceptable to the County, it would not take too much time for City staff to review those plans. MR. ANDERSON added that he believes their improvement plans would probably be approved by the County in about three weeks, prior to the annexation. He asked for a possible timeline for the review by the City. MS. WHEELER replied that she would speak with Public Works for an estimated timeline.

ASSISTANT DEPUTY CITY ATTORNEY STEED verified for COUNCILMAN BROWN that this particular annexation would be recorded on February 16, 2007, unless the date was changed. COUNCILMAN BROWN asked MR. ANDERSON if the City's timeline of February 16 would affect what they are trying to do. MR. ANDERSON responded they would probably not have their final map recorded until after that 16th day. He wondered if there was something that could be done to delay the annexation for that recorded map. He also verified with MS. WHEELER that he could file his protest for the annexation at this meeting.

COUNCILMAN BROWN indicated he would prefer moving forward with the annexation. He

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suggested MR. ANDERSON contact COUNCILMAN ROSS, who represents the area, and ask if he might hold this particular Bill for two weeks so that a timeline could be established. The Councilman felt there would be no objections to what MR. ANDERSON is trying to do. The City does not want to slow down the project nor have the project slow down the annexation. ASSISTANT DEPUTY CITY ATTORNEY STEED pointed out that this Bill will not be eligible for adoption tomorrow because it has not been published yet. It will be eligible at the February 7th City Council meeting.

COUNCILMAN BROWN commented that MR. ANDERSON'S protest will be noted for the public record. He recommended MR. ANDERSON contact COUNCILMAN ROSS' Office specifically to discuss this project. Since the Bill is not eligible for adoption at this time, MR. ANDERSON would have ample time to address any concerns.

COUNCILMAN BROWN declared the Public Hearing closed.

